

Complaint, sworn to on January 10, 1994

FILED

MAR 10 1994

Clerk's Office  
CLERKCOMPLAINTSTATE OF NEW YORK  
SUPREME COURT : ERIE COUNTY

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vs.

Plaintiff

REVEREND PAUL P. SABO,  
INDIVIDUALLY AND AS PASTOR OF  
VISITATION ROMAN CATHOLIC CHURCH  
LISTED AS DEFENDANT BELOW  
1040 Lovejoy Street  
Buffalo, New York 14206

Index No. 12595/93

THE VISITATION ROMAN CATHOLIC CHURCH  
SOCIETY OF BUFFALO, NEW YORK  
1040 Lovejoy Street  
Buffalo, New York 14206

THE DIOCESE OF BUFFALO, NEW YORK  
795 Main Street  
Buffalo, New York 14203

MOST REVEREND EDWARD D. HEAD, D.D.  
INDIVIDUALLY, AS BISHOP OF THE DIOCESE  
OF BUFFALO AND AS PRESIDENT OF THE  
DIOCESAN CORPORATION  
795 Main Street  
Buffalo, New York 14203

REVEREND MONSIGNOR ROBERT J. CUNNINGHAM  
INDIVIDUALLY, AND AS CHANCELLOR AND VICAR  
GENERAL OF THE DIOCESE OF BUFFALO AND AS  
SECRETARY OF THE DIOCESAN CORPORATION  
795 Main Street  
Buffalo, New York 14203

Defendants

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The Plaintiff, [REDACTED] by and through her attorney, SHEILA G. GRAZIANO, ESQ., for her Complaint against the above-named Defendants, herein alleges:

Complaint, sworn to on January 10, 1994

1. I am the Plaintiff in the above-entitled action and I am a resident of the County of Erie and State of New York.
2. This action was commenced by the filing of a Summons and Notice at the Erie County Clerk's Office on November 9, 1993 and is filed under Index No. 12595/93.
3. Upon information and belief, the Defendant, REVEREND PAUL P. SABO, is a priest ordained in the Catholic Church. He resides at the Rectory of the Visitation Roman Catholic Church Society of Buffalo, New York located at 1040 Lovejoy Street, Buffalo, New York 14206.
4. Upon information and belief, Defendant, PAUL P. SABO is the Pastor of the Visitation Catholic Church Society of Buffalo, New York.
5. Upon information and belief, the Defendant, THE VISITATION CATHOLIC CHURCH SOCIETY OF BUFFALO, NEW YORK, is a non-profit religious corporation operating under the laws of New York State and located at 1040 Lovejoy Street, Buffalo, New York 14206.
6. Upon information and belief, the DIOCESE OF BUFFALO, NEW YORK, is a non-profit corporation incorporated under the laws of New York State with corporate headquarters located at 795 Main Street, Buffalo, New York 14203.

7. Upon information and belief, the MOST REVEREND EDWARD D. HEAD, D.D., is the Bishop of the DIOCESE OF BUFFALO, NEW YORK, and resides in the City of Buffalo at an address unknown to me.

8. Upon information and belief, the MOST REVEREND EDWARD D. HEAD, D.D., is named as President of the DIOCESAN CORPORATION, incorporated under the laws of New York State, whose corporate headquarters is located at 795 Main Street, Buffalo, New York 14203.

9. Upon information and belief, the REVEREND MONSIGNOR ROBERT J. CUNNINGHAM, is Chancellor and Vicar of the Diocese of Buffalo and resides in the State of New York at an address unknown to me.

10. Upon information and belief, the REVEREND MONSIGNOR ROBERT J. CUNNINGHAM, is named Secretary of the DIOCESAN CORPORATION, incorporated under the laws of New York State, whose corporate headquarters is located at 795 Main Street, Buffalo, New York 14203.

#### BACKGROUND

11. On or about in the Winter of 1987, I sought counseling for personal problems from my Parish Priest, PAUL P. SABO.

12. Father Paul undertook to provide pastoral counseling in his capacity as a pastor and is so designated as such by the Roman Catholic Church, in its authority and as an official provided to the Parish for counseling as well as to provide other pastoral activities.

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13. I had been suffering severe physical and emotional problems due to several surgeries, ill health, and the break-up of a relationship with a man, which I thought was going to lead to marriage.

14. I was severely depressed, suffered from insomnia, and often thought of taking my life.

15. I had known Father Paul for many years and as he had originally been the Assistant Pastor at my local Parish of St. John the Evangelist.

16. After Father Paul had been transferred to Holy Family Parish, also in the South Buffalo area, I had met him off and on as I was contributing to my religious community (my own Parish as well as his Parish) in such activities such as being a substitute teacher for the Religious Education teacher (I was a student at Canisius College, majoring in education), I would baby-sit children of other teachers or parents of students who would come for instruction as they were about to receive the sacraments of confirmation, and for soon to be married couples who would come for pre-marital counseling.

17. During this period, Father Paul had served as my confessor in Church and we had developed the relationship of priest/penitent.

18. Father Paul had chosen to devote his life to God and in my mind, he was an example of what every parish priest should be. As a Catholic, I was actively involved and participating in my faith.

19. In late 1986, I was feeling depressed and needed help. I thought that medication might help me in the state that I was in and I told Father Paul that maybe a psychiatrist could help me.

20. Father Paul insisted that he was capable of assisting me through my difficulties and that a psychiatrist would probably give no advise concerning my problems other than what Father Paul could provide for me.

21. I began to counsel with Father Paul in Clergy Counseling throughout 1987.

22. In January of 1988, when I was still having major difficulties and depressions and was suicidal, I sought the help of DR. SEBASTIAN FASANELLO. Dr. Fasanella prescribed an anti-depressant that I took at bedtime which also helped me get to sleep. Father Paul objected to my seeing Dr. Fasanello and said he could do as much for me as a psychiatrist who was not necessary.

23. I saw Dr. Fasanella twice for about 45 to 60 minutes each time and then again briefly throughout the year. The subsequent visits after the initial consultation, were much shorter and focused on the effects of the medication and were not therapy sessions.

24. I stopped seeing Dr. Fasanella as the insurance only paid for six (6) visits and I could not afford any more.

25. When Father Paul found out that I would only be seeing Dr. Fasanella on a monthly basis, he insisted that he be able to help

me during this time and after I ceased seeing Dr. Fasanello. Father Paul expressed satisfaction that I would no longer be receiving counseling from someone else and said that then he could continue his counseling with me.

26. Father Paul kept asking me what Dr. Fasanello and I talked about during the visits and he would often comment that he himself told me the same thing, so in essence, they were thinking along the same lines he was providing the same therapy in his counseling of me.

27. When I discontinued seeing Dr. Fasanello in September of 1988 because I had used up the six no-pay visits that my insurance allowed, Father Paul told me that he would continue his counseling and would help me become whole again.

28. The sexual advances started to enter our counseling relationship in February of 1988.

29. Usually upon greeting me, Father Paul would give me a big "bear hug". I had noticed that he began embracing me in a much more sensual way and would begin kissing me normally at first but then inserted his tongue in my mouth.

30. When this began happening, I would ease my way away from him and tell him not to do that and let's sit down and get on with counseling.

31. The counseling sessions took place sometimes at the Parish in the private quarters of Father Paul and sometimes in my home. Father Paul frequently saw other parishioners in their homes.

32. In March of 1988 while sitting in the living room of my home during a counseling session, I began crying and he moved towards me and embraced me and stood me up and said lets go into your bedroom. I told him no but he insisted that he was not going to do anything to me but hold me as a way of comforting me in this time of need. At that time, that is just what he did; nothing sexual occurred.

33. In April of 1988, in a sitting room on the second floor of the Rectory, Father Paul began to massage my neck because he said I appeared very tense. He then told me he knew how to give good back rubs and to lie face down on the couch as this was part of the therapy to get me to relax.

34. He suddenly turned me around and began to passionately kiss me and feeling my body through my clothing.

35. I kept trying to tell him to stop and told him to stop, but he told me that we were doing nothing wrong and he proceeded to carry me into his bedroom located off the sitting room, undressed me, and then began to embrace me.

36. I kept telling that I wanted him to stop and I wanted him to get up, but he lay on top of me insisting that it was OK, its OK, I just want to help you though your problems. He kept telling me we were not doing anything wrong and he knew his limits.

37. During the next few months whenever he called me and initiated counseling, he would begin sexual advances and I would tell him to please don't, it was wrong, and he always stated that what he was doing was "within the realm of morality" and that he loved me very much and wanted to help in that this was all his way of getting me to be healthy again.

38. I felt guilty, ashamed, and did not know how to stop this behavior.

39. I felt so much under his spell; he was the one who was helping me. He was the one I relied on. He was the one who was giving me counseling and telling me what I must do so as to live and not want to die. He said I must know I am wanted and loved so that I can be a whole person and that it is what he would provide for me as a cleric and as a counselor.

40. During 1989, things became worse and the sexual relationship accelerated.

41. During the Winter, Father Paul insisted that I could stay in one of the "guest rooms in the Rectory" rather than drive home after counseling sessions when the weather was bad. However, he would eventually bring me into his room and molest me.

42. Father Paul, during all of this, discouraged me from seeing any psychiatrist, discouraged from seeing other men, in particular a one I had met during this period. Father Paul began being very sarcastic towards me, and told me I was probably going to

get into a "rebound situation" with this other man and he did not think I would be able to handle it psychologically.

43. By December of 1990, I was completely under his control and he was guiding my counseling and my life.

44. In 1990, Father Paul began to close off the counseling and told me that he felt I was interfering with his relationship with another woman. He indicated that my problems were trivial and not problems he wished to address as counselor or priest. They were still the same problems plus the new problems caused by this relationship. He became verbally abusive to me there after as the physical abuse ceased.

45. In January of 1993, I went to the Diocese of Buffalo and spoke with FATHER ROBERT ZAPFEL, Vice-Chancellor of the Diocese of Buffalo, who met me on behalf of the Diocese.

46. I explained what had happened and he told me that I did not appear to be a very vengeful person and that Father Paul would be called in.

47. In late January of 1993, I received a telephone call at work from Father Zapfel telling me that he and Monsignor Cunningham, the Chancellor of the Diocese, would like me to meet with them by myself.

48. I contacted friends and legal counsel who all advised me not to go by myself.

49. I then contacted Father Zapfel and told him I would not attend the second meeting at that time.

50. Father Zapfel informed me when I asked if Father Paul had been spoken to and he said yes but the Church viewed Father Paul and I as "consenting adults".

51. In February of 1993, I began seeing a psychiatrist and a counselor, both of whom dealt with sexual abuse victims and am now receiving counseling for my problems.

52. The counseling is extremely expensive and I cannot afford to go to full counseling sessions nor for very much longer.

AS AND FOR A FIRST CAUSE OF ACTION - CLERICAL MALPRACTICE

53. I repeat and reallege each and every allegation contained in paragraphs ONE through FIFTY-TWO in this Complaint.

54. Father Paul presented himself as a trained counselor who wished to aid me in my problems.

55. Father Paul represented himself as a trained counselor when he stated to the client, myself, that I did not need to go to Dr. Fasanello but rather I could go to him for counseling and help.

56. Father Paul represented himself as a trained counselor when he said he could "do the same thing" as a psychiatrist.

57. Father Paul was authorized by the Church to be a pastoral counselor and had served in that capacity with other persons, including me, in the past.

58. Father Paul violated his role as a counselor when he sexually molested me.

59. Father Paul violated his role as a counselor when he told me that this was acceptable behavior and part of my therapy.

60. Father Paul violated his role as a counselor when he told me that the sexual behavior was morally acceptable.

61. Father Paul violated his role as a counselor when he told me that I should not continue to develop a relationship with my male friend because it would be harmful to me when, in fact, he was concerned about other sexual involvement.

62. Father Paul violated his role as a counselor when he directed me in my behavior, in particular towards male friends although this relationship was not a threat to life.

63. Father Paul violated his counseling relationship for although I had been suicidal, he continued to sexually abuse me. He did not tell me to seek psychiatric help even though my suicidal thoughts were extreme and I, in fact, attempted suicide twice. This is a violation of therapeutic standards.

64. Father Paul violated his counseling relationship with me when he breached my confidentiality by discussing my cases with other

women with whom, on information and belief, he was involved either physically or as a priest.

65. I viewed Father Paul as Father and he was aware of my respect and my strong Catholic belief in his role as a representative of God and of the Church. He used that role to my disadvantage in what became an "incestuous" relationship.

66. On information and belief, Father Paul has entered into relationships with other women on prior occasions and the Church authorities were aware of this or should have been aware.

67. As Pastor of the Church, Father Paul was under the control of the Diocese who gave him full authority to conduct his pastoral duties.

68. It is the authority of the Church which enables Father Paul to be a priest, to be a pastoral counselor; and to maintain all the authority over his parishioners and demand the faith of his parishioners.

69. On information and belief, the Diocese knew or should have known that Father Paul has been involved with other women before and should have taken action to prevent further involvement.

70. Father Paul has taken an oath of chastity which as a priest, which he informed me he was permitted to break for humane purposes such as aiding me to make my life whole.

71. By this malpractice of the Clergy, I have been severely and permanently damaged and indeed attempted to end my life on two (2) separate occasions and have been grievously harmed.

AS AND FOR A SECOND CAUSE OF ACTION - IN NEGLIGENCE

72. I repeat and reallege each and every allegation contained in paragraphs FIFTY-TWO through SEVENTY-ONE in this Complaint.

73. The REVEREND PAUL P. SABO was negligent in that he had a duty to care having undertaken that duty in offerings of demands that I seek counseling only with Father Paul and in a duty as a priest to parishioner to see that I was not harmed by behavior, verbal or physical, from a member of the Clergy.

74. Father Paul as an individual priest and as pastor of the Church and on behalf of his Church and on behalf of the Diocese of Buffalo, as a corporation, and those who were corporate officers of the Diocese and those who were chief administrative officers of the Church, breached that duty owed to me as client and Catholic parishioner when Father Paul was permitted and engaged in a sexual relationship with me for whom he was priest, confessor, pastor, and counselor.

75. It is this breach of duty which caused me great pain and distress and has prevented me from solving my prior problems and has added immensely to the pain that I must now bear.

Complaint, sworn to on January 10, 1994

76. I have been damaged irretrievably by this breach of duty, not only physically in that I was subjected to physical pain during the sexual abuse, in addition to the physical damage done to me which stress still affects me, and in addition to the psychological damage done to me by sexual abuse, I have further been made to lose my faith which has been my lifelong commitment and belief system. I have been grievously damaged in that I can no longer believe in the sanctity of the Church.

**AS AND FOR A THIRD CAUSE OF ACTION - PERSONAL INJURY**

77. I repeat and reallege each and every allegation contained in paragraphs SEVENTY-ONE through SEVENTY-SIX in this Complaint.

78. I have been grievously injured by both Father Paul individually and as a priest and as a pastor of the Church, by his local Church, the VISITATION CATHOLIC CHURCH SOCIETY OF BUFFALO, NEW YORK, by the CATHOLIC DIOCESE OF BUFFALO by those who are administrators of the Diocese, and by those who are officers of the corporate Diocese in that I have been physically and psychologically damaged by the pain of a sexual relationship; the tension never leaves me.

79. As a result of Father Paul's sexual and psychological abuse of me and the remaining Defendant's acceptance of and failure to curtail such abuse, Father Paul has caused me to suffer the severe personal injuries and damages herein alleged.

80. The personal and physical injuries suffered by me were solely caused by Father Paul's negligence and/or intentional acts, and without any negligence or assumption of risk on my part.

81. Father Paul failed to exercise the care due me, by a reasonable and prudent person similarly situated, when he sexually abused me on numerous occasions and all Defendants failed to exercise due care with me when they knew or should have known of Father Paul's acts.

82. Due to Father Paul's negligence and/or intentional acts and the negligence of the other Defendant's, personal injuries consisting of physical, mental and emotional trauma, which have caused me to have difficulty in relations with men, have forced me to curtail my work and social life with resultant lost economic opportunity, and the great amounts of time, expense and emotional pain, incurred during counseling sessions as I learned of the wrongs done to me by Defendants.

83. I am full of emotional scars that will never heal because of this sexual abuse of me and my faith is destroyed.

84. On information and belief, I will have to endure many more years of counseling and therapy in an effort to lead a normal life and to enter into mutually satisfying relationships with men.

**AS AND FOR A FOURTH CAUSE OF ACTION - BREACH OF CONTRACT**

85. I repeat and reallege each and every allegation contained in paragraphs SEVENTY-SIX through EIGHTY-THREE in this Complaint.

86. As a member of the Roman Catholic Church, I have an implied contract with the Church, if I am a devoted and faithful member of the Church, I will receive certain blessings from the Church.

87. As a client of Father Paul, I have an implied contract with Father Paul for counseling services. This contract between parishioner and priest for pastoral counseling, is endorsed by the hierarchy of the Roman Catholic Church and the Diocese of Buffalo and by the individual Church for which Father Paul was pastor.

88. This implied contract has been breached both in its harm to me as a client in counseling and as a faithful member of the Church.

89. I was implicit in the implied contract is that both Father Paul, his local Church, and the Diocese will treat me in a manner consistent with the Catholic beliefs.

90. Catholic beliefs involve the authority of the Church which viewed each and every priest to be a representative of all that is Holy and all that is devout and all that comes from God.

91. The implied contract expressly forbids sexual relations between priests and others, including parishioners.

Complaint, sworn to on January 10, 1994

92. There was a breach of contract both between Clerical Counselor Sabo and myself and between the Holy Roman Catholic Church and myself in that sexual relationships were forced upon me based on the authority given to Father Paul by the Church.

93. Father Sabo breached his implied contract for counseling by violating the standard of every professional code of ethics for counselors of no sexual relationship between therapist or counselor and client.

94. I have been grievously harmed by this contract and require very expensive counseling to begin to overcome the damage.

AS AND FOR A FIFTH CAUSE OF ACTION - IN FRAUD

95. I repeat and reallege each and every allegation contained in paragraphs EIGHTY-FOUR through NINETY-FOUR in this Complaint.

96. Father Paul presented himself to me as a priest and pastoral counselor.

97. Father Paul had the endorsement of his Church and the Diocese of Buffalo and the administrators of the Diocese of Buffalo and the officers of the corporation of the Diocese of Buffalo as a priest.

98. While I was vulnerable as a distraught and suicidal parishioner, Father Paul fraudulently represented to me that he would be an appropriate counselor to the exclusion of other counselors.

99. Father Paul fraudulently presented to me that he would relieve my pain and cure me of my stress by engaging in a sexual relationship with me, which would make me feel whole and trusting.

100. Father Paul fraudulently presented to me that this sexual relationship was acceptable, that it was desirable, and that it was acceptable to the Church authorities as morally right.

101. I believed in what Father Paul had told me as I had no other point of reference because Father Paul presented that he and he alone was able to help me.

102. In reliance upon the statements of Father Paul, I became the victim of sexual abuse by a priest.

103. Father Paul knew or should have known that the statements he made to me were false.

104. On information and belief, the Diocese knew or should have known of Father Paul's past conduct with other women and of his conduct with me.

105. When informed of this conduct, the Diocese refused to consider that it was unethical and unacceptable for the behavior of a priest, but that it was an illness which might result in Father Paul receiving counseling. The Church would pay for counseling for the perpetrator, but not for the victim.

106. Because I was so distraught and suicidal and only working off and on, I found that I had no emotional ability to clearly view these fraudulent statements.

107. It was only when I began therapy with other professionals that I began to see how bizarre the situation was.

108. Both the VISITATION CATHOLIC CHURCH SOCIETY OF BUFFALO, NEW YORK and the DIOCESE OF BUFFALO and its officers and administrators knew or should have known that the Rectory and private quarters of the pastor of that Church, that is Father Paul, were used for illicit sexual purposes.

109. The use of Church property for such activities is a fraud upon the parishioners, including myself who have been taught specifically by the Church of the moral authority of priests, including Father Paul, and of the vows of celibacy of priests.

110. To now say that Father Paul and I are two consenting adults and therefore any sex engaged in was freely done is a fraud upon myself and others in that it denies the teachings of the Church and the specific statements of Father Paul in terms of righteous behavior of priests and I have been grievously harmed.

WHEREFORE, Plaintiff demands judgment against Defendant, together with the costs, disbursements, and interest of this action, as follows:

Exhibit B:  
Complaint, sworn to on January 10, 1994

1. In the first cause of action, for damages in the amount of TWO MILLION DOLLARS (\$2,000,000.00);
2. In the second cause of action for damages in the amount of TWO MILLION DOLLARS (\$2,000,000.00);
3. In the third cause of action, for damages in the amount of TWO MILLION DOLLARS (\$2,000,000.00);
4. In the fourth cause of action, for damages in the amount of TWO MILLION DOLLARS (\$2,000,000.00);
5. In the fifth cause of action, for damages in the amount of TWO MILLION DOLLARS (\$2,000,000.00);

DATED: Buffalo, New York  
January 10, 1994

SHEILA G. GRAZIANO, ESQ.  
Attorney for Plaintiff  
630 Convention Tower  
43 Court Street  
Buffalo, New York 14202  
(716) 855-1177

Verification on inside of cover

Exhibit B:  
Complaint, sworn to on January 10, 1994

STATE OF NEW YORK

COUNTY OF ERIE

CITY OF BUFFALO

} ss.:

INDIVIDUAL VERIFICATION

, being duly sworn, deposes and says: that deponent is PLAINTIFF

I know the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters deponent believes it to be true.

On to before me, this 10<sup>th</sup> day of January, 1994.

Donna J. Burdick My commission expires -

Notary Public State of New York;  
Qualified in Erie County

My Commission Expires October 29, 1994

Erie County.

STATE OF NEW YORK

COUNTY OF

OF

CORPORATION VERIFICATION

, being duly sworn, deposes and says: that deponent is

the corporation named in the within action; that deponent has the foregoing knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. Deponent is made by deponent because deponent is an officer thereof, to-wit its verification is made by deponent because deponent is an officer thereof, to-wit its knowledge are as follows:

CERTIFICATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the Courts of New York State, certifies that the within has been compared by the undersigned with the original and found to be a true and complete copy.

ED:

AFFIRMATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the Courts of New York State, shows: that deponent(s) is (are) the attorney(s) of record in the within action; that deponent has read the foregoing knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged on information and belief, and as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and by is that there is no officer presently in

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under penalty of perjury.

ED:

AFFIDAVIT OF PERSONAL SERVICE (WITH DESCRIPTION)

STATE OF NEW YORK

COUNTY OF

OF

} ss.:

, being duly sworn, deposes and says: that he (she) is over 18 years of age, and not a party to the ; that he (she) served the annexed on the defendant , named herein, by personally delivering to and leaving a true copy thereof with on the day of , 19 , at A.M.(P.M.) at and that he (she) knew the person so served to be the person described as the defendant therein. The description of the person served above is: Sex ; Skin color ; Hair color ; Approx. age ; Approx. weight ; Approx. height ; Other identifying features

Best knowledge, information and belief the said defendant at the time of service was not engaged in the military service of the United States.

On to before me, this

day of

, 19 .

My commission expires -